IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2049 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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AGRI.PRODUCE MARKET COMMITTEE - Petitioner(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR TUSHAR MEHTA for Petitioner(s) : 1,
MR AY KOGJE, AGP for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 16/11/2006

ORAL JUDGMENT

Mr. Tushar Mehta, learned counsel for the petitioner. Mr. A.Y. Kogje, learned AGP for the State.

It appears that number of the Agricultural Produce Market Committees had challenged notification-cum-clarification dated 12.1.94 issued by the State Government. The petitioner was one of them. Group petitions, being Special Civil Application No. 3135/94 and others were finally dismissed on 23.2.96 by a learned Single Judge of this Court. The said order was challenged by the Market Committees in Letters Patent Appeal No.335/96 and other appeals. The appeals were finally allowed by a Division Bench of this Court on 22.9.05 quashing the notification-cum-clarification dated 12.1.94.

As the said notification has already been quashed by the judgment of the Division Bench of this Court, the petitioner would be entitled to the benefits flowing from the said Division Bench judgment. The petition is allowed in view of the judgment passed in Letters Patent No. 335/96 and other appeals. Rule is made absolute. No costs.

[R.S. GARG, J.]

pirzada/-